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7  
8 IN THE SUPERIOR COURT  
OF THE  
9 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

10 MOSES T. FEJERAN and ) CIVIL ACTION NO. 05-0033  
11 QIANYAN S. FEJERAN, )  
12 Plaintiffs, )  
13 vs. ) DECLARATION OF  
14 AVIATION SERVICES (CNMI), LTD. ) DAVID G. BANES  
d.b.a. FREEDOM AIR, )  
15 Defendant. ) Judge: Alex R. Munson  
Date: March 15, 2007  
Time: 1:30 p.m.  
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18 I, David G. Banes, as counsel for Plaintiffs in the above-entitled matter, do hereby  
19 affirm and certify as follows:

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21 1. As Mr. Hasselback was busy preparing for a trial in trial before this Court, I  
22 wrote to Mr. Ledger on January 17, 2007 that we need additional discovery before Dr. Perez  
23 could complete his report. I also told him that Dr. Perez would produce a preliminary report  
24 and telling him Dr. Perez cannot complete his investigation until further discovery is done but  
25 Defendant will not allow us to conduct discovery. *See Exhibit A.*  
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2. On February 15, 2007, I received Dr. Perez report and we gave it to Defendant and on February 16<sup>th</sup>, we gave Defendant Dr. Perez' C.V. *See* Exhibits B and C.

3. On February 19, 2007, I gave Defendant a list of cases in which Dr. Perez had testified and his compensation. I asked counsel to advise me if we have not complied with Rule 26 (a). *See Exhibit D.*

4. On the same day, counsel wrote back that Dr. Perez report was still not final so he would proceed with the motion. *See* Exhibit E.

Dated this 22<sup>nd</sup> of February, 2007.

By: /s/ \_\_\_\_\_  
David G. Banes